

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE**

Richard MOLINA SANIPATIN,

*Petitioner;*

v.

Pamela BONDI, Attorney General, U.S. Department of Justice; Kristi NOEM, Secretary of the U.S. Department of Homeland Security; Pete R. FLORES, Acting Director, U.S. Customs and Border Protection; Juan G. BERNAL, Chief Patrol Agent of Houlton Sector; Scott NICHOLS, Sr., Sheriff, Franklin County Detention Center,

*Respondents.*

Civil Action No.

**PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

Petitioner, Richard Molina Sanipatin hereby petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

**CUSTODY**

1. Petitioner is in the physical custody of Respondents and U.S. Customs and Border Protection (“CBP”). Petitioner is detained at the Franklin County Detention Center located in Farmington, Maine. Petitioner is under the direct control of Respondents and their agents. Petitioner is on “Hold for Border Patrol.”

## **JURISDICTION**

2. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104 - 208, 110 Stat. 1570, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701 et seq.
3. This Court has jurisdiction under 28 U.S.C. § 2241; art. I § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.
4. Petitioner has exhausted any and all administrative remedies to the extent required by law.

## **VENUE**

5. Venue properly lies within the District of Maine because a substantial part of the events or omissions giving rise to this action occurred in this District. 28 U.S.C. § 1391(b).
6. No petition for habeas corpus has previously been filed in any court to review Petitioner’s case.

## **PARTIES**

7. Petitioner is a native and citizen of Ecuador residing in Framingham, Massachusetts. Petitioner was taken into CBP custody on March 20, 2025, and has remained under their directive, in the physical custody of the Franklin County Sheriff’s Department.
8. Respondent Pamela Bondi, in her official capacity, is the Attorney General of the United States and is responsible for the administration of CBP and the implementation and enforcement of the Immigration & Naturalization Act (INA). As such, Ms. Bondi has

ultimate custodial authority over Petitioner.

9. Respondent Kristi Noem, in her official capacity, is the Secretary of the Department of Homeland Security. She is responsible for the administration of CBP and the implementation and enforcement of the Immigration and Nationality Act (INA). As such, Kristi Noem is the legal custodian of Petitioner.
10. Respondent Pete R. Flores, in his official capacity, is the CBP Field Office Director of the Boston Field Office and is Petitioner's immediate custodian. See Vásquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).
11. Respondent Juan G. Bernal, in his official capacity, is the CBP Chief Patrol Agent of Houlton Sector and may be considered Petitioner's immediate custodian.
12. Respondent Scott Nichols, Sr. is the Sheriff of Franklin County Detention Center, where Petitioner is currently detained under the authority of CBP, alternatively may be considered to be Petitioner's immediate custodian.

### **FACTUAL ALLEGATIONS**

13. Petitioner had previously been in Removal Proceedings before the Chelmsford Immigration Court and his proceedings were terminated. His affirmative asylum application has subsequently been filed with United States Citizenship and Immigration Services ("USCIS").
14. On March 20, 2025 at approximately 830am, Petitioner was unlawfully arrested and detained as a passenger in a vehicle during a traffic stop for alleged speeding, by Kennebeck County Sheriff's Department and held for transfer into the CBP custody.
15. Petitioner was not present at any port of entry. Petitioner was required to produce identification after the driver produced a valid Massachusetts driver's license to which the Kennebeck County Deputy claimed he couldn't verify it was real.

16. On March 20, 2025 at 17:10, CBP transferred physical custody to Franklin County Detention Center as stated on the booking sheet available to the public on the Franklin County Sheriff's Website landing page. He remains in the Franklin County Sheriff's custody at this time.

17. On March 21, 2025, counsel attempted to communicate with Petitioner and was denied any contact or communication with Petitioner, depriving Petitioner of attorney client privilege and communication.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody;
- 3) Enter preliminary and permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner;
- 4) Award petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 5) Grant any other and further relief that this Court deems just and proper.

March 23, 2025

Respectfully Submitted,

/s/ *Melissa A. Hewey*  
Melissa A. Hewey  
*Attorney for Petitioner*

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